



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

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SEP 18 1995

Gary D. Uphoff  
Principal  
Environmental Management Services Company  
2301 Research Boulevard, Suite 103  
Fort Collins, CO 80526

Dear Mr. Uphoff:

The U.S. Environmental Protection Agency (EPA) is in receipt of your letter of September 6, 1995, regarding the removal action for the High Access Areas (HAA) at the Tar Creek Superfund site, Ottawa County, Oklahoma. Based on your letter on behalf of ASARCO Inc., Blue Tee Corporation, Childress Royalty Company, Inc., Gold Fields Mining Corporation, and The Doe Run Resources Corporation (the Companies), EPA acknowledges that the Companies have declined to conduct or finance the removal action for the HAAs. As EPA has had no offers to conduct or finance the removal action from the Companies or any of the other respondents named in EPA's August 25, 1995, notice letter, EPA has proceeded with the removal as a federal action using the Superfund.

In your letter you stated that EPA's need to expedite the issuance of the Action Memorandum precluded EPA from seriously considering the Companies' comments on the planned removal action. As EPA and the Companies have been communicating for a approximately a year about the possibility of a removal action at the HAAs and other potential site activities, many of the Companies comments were reiterations of concerns that had been expressed before. The comments regarding the comparison between Region 6 and Region 7 were not new information as both Regions regularly communicate regarding activities at their respective sites in the Tri-State Mining District and had already discussed their respective approaches. The comments regarding the analyses conducted by Dames & Moore did not take long for EPA to evaluate as EPA was not unfamiliar with similar time-weighted average approaches being used at other Superfund sites. Although EPA's consideration of the Companies' comments was of necessity expedited, EPA had adequate time to determine that the comments presented by the Companies were not substantial enough to alter EPA from its proposed course of action. EPA also had been considering the information related to its decision with regard to the HAAs for several months and believes that its decision is justified.

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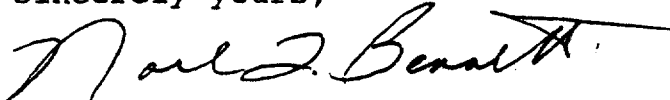
or that

EPA's summary of the August 15-16, 1995, technical discussions between EPA and the Company representatives, is enclosed. This summary addresses more specifically issues you raise in your letter. Also included, for your information, are the following documents: 1) notes on an August 4, 1995, conference call between EPA and the Agency for Toxic Substances and Disease Registry representatives from Region 6 and Region 7 and representatives from EPA Headquarters, 2) answers to Barbara Davis' (EPA Headquarters) August 9, 1995, questions on Region 6's approach to addressing soil lead contamination at Tar Creek, 3) minutes of our June 16, 1995, teleconference, and 4) notes from the May 2, 1995, meeting between EPA and representative of the Companies. These documents further explain the technical basis of EPA's response decision with regard to the HAAs in addition to the discussion in the Action Memorandum.

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If you have any question regarding this matter, please contact me at (214)-665-8514.

Sincerely yours,



Noel T. Bennett  
Remedial Project Manager

Enclosures